

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**JERICO GROUP, LTD.,**

**Plaintiff,**

- against -

**MIDTOWN DEVELOPMENT, L.P., EDWARD  
IMPERATORE and MAURICE STONE,**

**Defendants.**

**No. 07-CV-1792 (RCC) (DCF)**

ECF CASE

## DECLARATION OF ARMAND POHAN

I, ARMAND POHAN, declare as follows:

1. I am a citizen of the United States of America.
2. My domicile is in the State of New Jersey, and my home address is 4 Horizon Road, Apartment 1015, Fort Lee, New Jersey. That was also my home address for all of February and March of 2007. For all of February and March of 2007, I intended, and still intend now, for my domicile to remain in the State of New Jersey.
3. I am the President of Fafner Enterprises, Inc., a New Jersey corporation with its principal place of business in Edgewater, New Jersey. I have been informed that the Office of the New Jersey State Treasurer revoked the certificate of incorporation of Fafner Enterprises, Inc. on or about January 16, 2007, on the ground that the company has not filed an annual report for two consecutive years. I intend to arrange for the necessary steps to be taken to reinstate the certificate of incorporation of Fafner Enterprises, Inc. However, I also understand that for all of February and March of 2007, and still now, Fafner Enterprises, Inc. has the capacity to sue and be sued under New Jersey law.

4. Hadrian Properties Ltd. is a limited partnership organized under New Jersey law.


5. Fafner Enterprises, Inc. is a general partner in Hadrian Properties Ltd.

6. I was the sole trustee of the Arthur E. Imperatore, Jr. 1985 Income Trust, which was a limited partner in Hadrian Properties Ltd., and in that capacity had the power to hold, manage, and dispose of assets for the benefit of the beneficiary of the Arthur E. Imperatore, Jr. 1985 Income Trust.

7. The Arthur E. Imperatore, Jr. 1985 Income Trust was terminated in 1993. All of the rights and interests of the Arthur E. Imperatore, Jr. 1985 Income Trust in Hadrian Properties Ltd. were assigned to the sole beneficiary of the trust, Arthur E. Imperatore, Jr., on December 26, 1992.

8. I declare under penalty of perjury that the foregoing is true and correct.

Executed within the United States on April 9, 2007.

  
ARMAND POHAN